



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

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DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 13, 2003

David R. Stoecklein
PO Box 856
Ketchum, ID 83340

Re: Your Correspondence of February 28, 2003

Dear Mr. Stoecklein,

I have reviewed your letter dated February 28, 2003 concerning my correspondence dated February 13, 2003. My correspondence to you provided, among other things, some direction as to how the Reno water rights should be delivered and regulated. You have indicated that my last correspondence was not clear on this matter. I am sorry that there may still be some confusion on this subject although I sincerely feel that my last letter was rather clear as to how the Reno rights are to be administered.

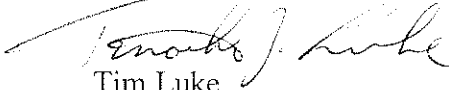
Reno's water right from Warm Springs Creek, 34-0470A, that is diverted to the Upper Fish Hatchery Canal (UFHC) is limited to 1.6 cfs (80 inches). Reno's ground water rights from the Reno/Unger well are 34-7245B and 34-133555. These two rights are limited to a total of 0.86 cfs (43 inches). The total combined diversion rate under all three rights from both sources is limited to 1.96 cfs (98 inches). Therefore, the sum of Reno's two diversions cannot exceed 98 inches at any time. If the full 80 inches under right 34-0470A is delivered to the head of the UFHC, then the Reno mainline from the Reno/Unger well must be limited to no more than 16 inches. If the full 80 inches under right 34-0470A is delivered to the head of the UFHC and if Johnson is using all or part of Reno's right 34-0470A in rotation, then the Reno mainline from the Reno/Unger well must still be limited to no more than 16 inches. Conversely, if Reno diverts the full 43 inches that he is entitled under his ground water rights then right 34-0470A at the head of the UFHC must be adjusted to 55 inches. These are the conditions that govern the Reno rights and I feel no further explanation is warranted.

In order to avoid further conflict over this matter, I or my staff will make an inspection of the Reno/Unger well next month along with the water district watermaster to assess the need for requiring the installation of one or more measuring devices at the well and a lockable control valve on the Reno mainline. If necessary or appropriate, the Department will then issue an order to Reno and/or instructions to the watermaster concerning regulation of the Reno rights.

With respect to the shrink agreement on the UFHC, I suggest that the parties request a meeting and/or report from Doug Rosenkrance who was contracted to do the study. The parties must then review the data and agree on the ditch losses. Until this is done, the Department will

continue to instruct the watermaster to deliver at the UFHC 21% of the water rights that were transferred from the UFHC.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tim Luke".

Tim Luke
Water Distribution Section

Enclosure: Letter from David Stoecklein, February 28, 2003

Cc: Bob Duke, Water District 34 Watermaster
Scott Johnson
Dr. Lynn Reno
Bob Unger
Scott Campbell
Doug Rosenkrance
IDWR Eastern Region Office

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February 28, 2003

RECEIVED
MAR - 5 2003
Department of Water Resources

Tim Luke
State of Idaho Department of Water Resources
1301 N. Orchard St.
Boise, Idaho 83706

Dear Tim,

Thank you very much for your response to my letter of January 14, 2003.

I am still unclear as to your position on the Johnson/Reno water swap. Are you saying that Reno has the right to ask for 80 inches of water to be diverted into the Hatchery Canal, when he is using his groundwater rights? Are you saying that he can use 80 inches out of the well and 80 inches out of the creek at the same time? Is that not double use?

Are you also saying that he can give that water to Johnson to use even if he does not use it, or does he have to use it ever? This seems like a shell game to me. Please spell out to me in layman's terms when and how often, and how much at any one time Reno is allowed to use. Let's say his pivot is using 80 inches of water, then is he allowed to use 80 inches out of the creek at the same time or is he allowed to just give the water to Johnson to use?

In their swap is there a time limit that Johnson is allowed to use Reno's water, and a time limit when Reno is allowed to use Johnson's? What if Reno never uses his water? What if this is just a complicated game to give Johnson an extra 80 inches of water? My question is what are the rules here? I really want to settle this once and for all but it never seems to go anywhere. So let's answer these questions for everyone in plain language. I thank you for taking the time to answer these questions.

As for the shrink agreement in the Upper Fish Hatchery Canal, we have never all agreed upon the proper amount of shrink because there has never been a complete study done. What we need to do is first settle the Reno/Johnson question, then determine how much water is going to be put in the canal then lock the gate and keep it locked. Then we can do the study, however, over the last two or three summers we have not been able to get an accurate study because Unger does not have a measuring device and second every time Doug went to do the study he had to reset the gate at the Hatchery. One time someone had even moved the measuring gauge, so it has been a mess.

deliver to: 10TH STREET CENTER, SUITE A1

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This has to be a fair and accurate study as Mark Gates, Blake Quinn and myself are in effect donating 21% of our water to make sure that Unger/Johnson and Reno get 79% of their water.

The Johnson issue is very important to this because if Reno can call for his 80 inches from the creek when he is using his pivot then can that 80 inches be diverted into the canal?

I have a well and ground rights. Quinn has a well and ground rights. What would happen if Quinn gave his 205 inches to Keith Hill while he still ran his pivot from his well? What if I gave my 120 inches to my brother and also what if Mark Gates gave his 160 inches while he ran his pump to Unger, well then the creek would be dry. Plain and simple if Reno and Johnson are allowed to do this, can all of us do the same?

Sincerely,

David R. Stoecklein

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